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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)
)
Plaintiff,)
)
v.)
)
LEISNOI, INC., KONIAG, INC., and)
DIRK KEMPTHORNE, Secretary of the)
Interior,)
)
Defendants,)
)
_____)
)
KONIAG, INC.,)
)
Counter-claimant,)
)
v.)
)
OMAR STRATMAN,)
)
Counter-claimed)
Defendant.)
_____)

Case No.: 3:02-cv-0290 (JKS)

**OMAR STRATMAN'S MOTION FOR AN ORDER DIRECTING THE FEDERAL
DEFENDANT TO FILE A COMPLETE ADMINISTRATIVE RECORD**
[Local Rule 16.3]

I. Motion presented.

We seek an order of the Court directing the Federal defendant to file a complete Administrative Record per the dictates of Local Rule 16.3(b). The reasons for this request will be explained more fully below.

II. Discussion.

A. Administrative briefing on motions now before the Court.

The Federal defendant has filed, at Docket No. 150, the “Administrative Record.” At Tab G thereof can be found the undersigned’s letter to the Assistant Solicitor of April 18, 2003. At p. 6 of that letter (AR Tab G, p. 0216), we discuss Leisnoi’s asserted five “key legal issues.” Thereafter, beginning at p. 7 (AR Tab G, p. 0217), we summarize for the Secretary our administrative briefing filed to date on these key legal issues.

Most of these legal issues have been, again, placed before the Court by Leisnoi, and, to a lesser degree, by Koniag. The administrative briefing has not been made a part of the Administrative Record at Docket No. 150.

Because our briefing is due at this time and because we have attached as exhibits to our briefing so much of the so-far-undocketed Administrative Record as we think to be important, it may not be necessary for the Court to order further supplementation by the Federal defendant in this regard. It may be enough, at this point, to simply allow the other parties to further supplement the record with so much of the administrative briefing below as they deem appropriate. We leave this for the Court to determine.

B. The Agency's factual record generated during the administrative trial that began August 3, 1998.

Mr. Stratman is in the process of filing "Omar Stratman's Motion to Review and Affirm IBLA's Decision on Remand, and to Set Aside the Secretary's Original 1974 Decision Approving Leisnoi's Eligibility as an Unlisted ANCSA Native Village." Mr. Stratman contends that the complete Administrative Record, including the record developed by the ALJ at the two-week administrative trial of this matter, is necessary to allow this Court to conduct its review of IBLA's decision, affirming the ALJ's findings and determinations, for the purpose of determining whether IBLA's ultimate holding that Leisnoi was not entitled to ANCSA village status is supported by substantial evidence. The availability of this record would appear to be required by Local Rule 16.3 and is needed for the Court to perform the review just suggested.¹

III. Conclusion.

For the reasons set forth above, we ask that the Court (1) direct the Federal defendant to file the balance of the briefing generated before the Agency and addressing issues now before the Court or specifically advise the parties by Minute Order that they are simply free to supplement the record before this Court with such briefs as have been previously filed before the Agency, and (2) direct the Federal defendant to file the factual record generated at the two-week administrative trial commencing approximately August

¹We ask that the Court ponder the wisdom of re-opening, *sua sponte*, A76-0132 CV (JKS) and consolidating that case with this case. This would also assist the parties now before this Court and, ultimately, the Ninth Circuit Court of Appeals, in examining various issues raised by the Court and the parties and would ensure ready access to the entirety of the record generated during the long course of this litigation.

3, 1998, per the provisions of Local Rule 16.3, and within such reasonable time as the Court may direct.

RESPECTFULLY submitted this 11th day of June, 2007.

s/Michael J. Schneider
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CERTIFICATE OF SERVICE

I hereby certify that **OMAR STRATMAN'S
MOTION FOR AN ORDER DIRECTING
THE FEDERAL DEFENDANT TO FILE A
COMPLETE ADMINISTRATIVE RECORD**
was served electronically on the 11th day
of June, 2007, on Bruce M. Landon,
R. Collin Middleton, and John R. Fitzgerald.
s/Michael J. Schneider